

RATNELL CARMICHAEL
D-25366 2 North 1 Lower
CSP, San Quentin
San Quentin, Ca
94964

PLAINTIFF PRO SE

ORIGINAL FILED
NOV -6 AM 11:01
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CV 07

5622

RAYNELL CARMICHAEL

Plaintiff

E-filing

Case Number
Plaintiff Motion For
The Court To Take
Judicial Notice
Fed Rul Evid. Section

-201-

vs.

JAMES TILTON et al

Defendants

TO THE HONORABLE PRESIDING JUDGE, the plaintiff
in the civil matter hereby request this court take Judicial Notice
of the documents from the superior Court State Of California County
of Marin.

Evidence Code Section 201 , n 56 provides
for this court to take judicial notice of the requested materials.
CConpocov. Inc. Roll INT"L(2000, CA @ NY) 213 f3d 82 47 fr
ser. 3rd 1192

Respectfully submitted

By Raynell Carmichael

Raynell Carmichael

Plaintiff Pro se

Dated 10,30, 2007

October 30, 2007

KIM TURNER
Court Executive Officer

MARIN COUNTY SUPERIOR COURT
Barbara Murphy, Deputy

IN AND FOR THE COUNTY OF MARIN

CALIFORNIA DEPT. OF CORRECTIONS
AND
BOARD OF PRISON TERMS,

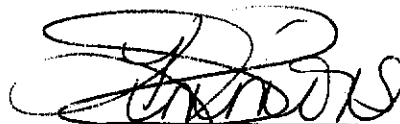
ORDER TO SHOW CAUSE
RE: PETITION FOR
WRIT OF HABEAS CORPUS

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1 In accordance with California Rules of Court Rule 4.500, the court hereby provides the
2 Attorney General with copies of the original petition for writ of habeas corpus.
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6 Dated: June 12, 2007
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A handwritten signature in black ink, appearing to read 'K. Vieira Simmons', written over a horizontal line.

KELLY VIEIRA SIMMONS
JUDGE OF THE SUPERIOR COURT
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STATE OF CALIFORNIA)
COUNTY OF MARIN)

IN RE: **RAYNELL CARMICHAEL**

ACTION NO.: **SC152878A**

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **June 15, 2007** I SERVED THE WITHIN ***ORDER TO SHOW CAUSE RE: PETITION FOR WRIT OF HABEAS CORPUS*** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

RAYNELL CARMICHAEL CDC #: D-25366 SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974	WARDEN SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974
ATTORNEY GENERAL ATTN: ANYA BINSACCA CORRECTIONAL LAW SECTION 455 GOLDEN GATE AVENUE 12TH FLOOR SAN FRANCISCO, CA 94102	

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE:

6/15/07 W. M. M. S.

FILED

AUG 06 2007

KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: M. Murphy, Deputy

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

In re

RAYNELL CARMICHAEL ,)	Case No.: SC152878A
)	
Petitioner,)	ORDER DENYING PETITION
)	FOR WRIT OF HABEAS
)	CORPUS AND VACATING
On Habeas Corpus)	ORDER TO SHOW CAUSE
)	
)	

Petitioner, an inmate confined at San Quentin State Prison, filed a petition for writ of habeas corpus with this court on April 5, 2007. Petitioner contends that his medical needs are not being met appropriately by the prison officials.

On June 12, 2007, this court issued an Order to Show Cause, directing the Attorney General's Office to respond to Petitioner's claim(s). The Attorney General's Office submitted authority for the proposition that the federal Court has asserted authority over the California department of Corrections health care system and that therefore this court does not have jurisdiction to

1 determine the claims made by the Petitioner. (See Attorney
2 General's REQUEST TO VACATE ORDER TO SHOW CAUSE) After reviewing
3 the authorities presented, this court agrees with the Attorney
4 General's position and now vacates the Order to Show Cause issued
5 on June 12, 2007.

6 Accordingly, the April 5, 2007 petition for writ of
7 habeas corpus is denied.

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10 Dated: August 6, 2007.

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14 KELLY V. SIMMONS
15 JUDGE OF THE SUPERIOR COURT
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STATE OF CALIFORNIA)
COUNTY OF MARIN)

IN RE RAYNELL CARMICHAEL

ACTION NO.: SC1528784

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **August 7, 2007** I SERVED THE WITHIN ***ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS AND VACATING ORDER TO SHOW CAUSE*** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

RAYNELL CARMICHAEL D-25366 SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974	ATTORNEY GENERAL DEPARTMENT OF JUSTICE ATTN: ANYA BINSACCA CORRECTIONAL LAW SECTION 455 GOLDEN GATE AVENUE 12 TH FLOOR SAN FRANCISCO, CA 94102-7004
CHARLES S. CARBONE CALIFORNIA PRISON FOCUS 2940 16 TH ST, SUITE B5 SAN FRANCISCO, CA 94103	WARDEN SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

DATE:

8/7/07

V. dell